

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WALTER WENGOROVIOUS,

Plaintiff,

v.

Case No. 12-13053
Honorable David M. Lawson

CORIZON CORP., ZIVIT COHEN, TYRA
S. MCKINNEY, and MATT PAYNE,

Defendants.

ORDER OVERRULING OBJECTIONS

On February 6, 2013, the Court entered an order adopting the magistrate judge's report and recommendation, granting the defendants' motion to dismiss, and dismissing the plaintiff's complaint. The Court stated that the time for filing objections had passed, that no objections had been filed, and that it nevertheless agreed with the findings and conclusions of the magistrate judge. On February 14, 2013, the plaintiff filed objections to the magistrate judge's report and recommendation.

Objections to the magistrate judge's report and recommendation, which was filed on January 16, 2013, were due on February 4, 2013. The plaintiff, who is incarcerated, dated his objections January 24, 2013. The Sixth Circuit has held that a prisoner's objections to a report and recommendation are deemed filed on the day they are presented to prison officials to be mailed. *Walker v. City of Lakewood*, 35 F.3d 567 (6th Cir. 1994) (table). The plaintiff does not indicate the date on which his objections were presented to prison officials. Even assuming, however, that the plaintiff's objections were filed timely, the plaintiff's objections do not change the Court's view that

the magistrate judge's analysis of the plaintiff's complaint was correct. To the extent that the plaintiff seeks relief from the Court's judgment, his request is denied.

Accordingly, it is **ORDERED** that the plaintiff's objection to the magistrate judge's report and recommendation [dkt. #32] is **OVERRULED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 22, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 22, 2013.

s/Deborah R. Tofil
DEBORAH R. TOFIL